

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THE MOUNTAINEERS; NORTH CASCADES  
CONSERVATION COUNCIL; SIERRA CLUB;  
and WASHINGTON WILDERNESS  
COALITION,

Plaintiffs,

v.

UNITED STATES FOREST SERVICE, UNITED  
STATES DEPARTMENT OF AGRICULTURE;  
THE HONORABLE ANN M. VENEMAN, in her  
official capacity as Secretary, U.S. Department of  
Agriculture; THE HONORABLE DALE N.  
BOSWORTH, in his official capacity as Chief, U.S.  
Forest Service; THE HONORABLE LINDA  
GOODMAN, in her official capacity as Regional  
Forester, Pacific Northwest Region; THE  
HONORABLE JAMES L. BOYNTON, in his  
official capacity as Forest Supervisor for the  
Wenatchee National Forest; THE HONORABLE  
ALAN QUAN, in his official capacity as Deputy  
Forest Supervisor of Wenatchee National Forest;  
THE HONORABLE KARIN B. WHITEHALL, in  
her official capacity as District Ranger, Entiat  
District of Wenatchee National Forest,

Defendants.

NO. C05-1418RSM

STIPULATION FOR ORDER  
MODIFYING INJUNCTION AND FOR  
ENTRY OF JUDGMENT; ORDER  
THEREON

WHEREAS the parties to this action, have reached a separate settlement agreement; and

WHEREAS pursuant to this settlement agreement, the parties are mutually desirous of a

1 modification of the Court's June 19, 2006 order, to clarify that the Forest Service is allowed to engage in  
2 certain specified activities without violating the injunction, and thereafter to enter final judgment in the  
3 action,

4 NOW THEREFORE, the parties, through their respective counsel of record, do hereby stipulate  
5 and agree that the Court may make and enter the following order:

6 The injunction filed herein on June 19, 2006, shall be modified to clarify that, notwithstanding the  
7 Court's determination that the Forest Service should be enjoined from proceeding with the Mad River  
8 Trail Project on the basis of the Mad River Trail Project environmental assessment, the Forest Service  
9 shall not be enjoined from undertaking any of the following actions:

10 1. Trail Relocation and Maintenance:

11 Notwithstanding the injunction, the Forest Service may undertake the following relocation and  
12 maintenance activities contemplated by the Mad River Trail Project Decision:

13 a. The Forest Service may relocate to the upslope the identified segments of the Mad  
14 River Trail between Pine Flats Campground and Maverick Saddle to alleviate  
15 sedimentation into threatened, endangered and sensitive fish species habitat. The  
16 segments are:

- 17 (1) 1.7 miles of trail at Windy Creek (below Camp Nine), with removal of  
18 gabion baskets;  
19 (2) 1.2 miles at Alma Creek (below Cougar Creek); and  
20 (3) 1.6 miles of small trail segments at less than 0.2 miles apiece, including the  
21 trail through the cedar grove and the swamp at up to 14 different locations.

22 b. The relocation may be done by hand and trail machine (no wider than 30 inches)  
23 with native materials at each relocated segment, except for the relocation of the  
24 trail segment between Pine Flats and the bottom of the switchbacks, which shall be  
25 done by hand. The Forest Service will not use grid blocks or other artificial tread  
26 materials on any of the segments to be relocated pursuant to this stipulation.  
27 However, natural rock and timbers may be used to construct crib walls,  
28 puncheons, switchbacks and other structures.

- 1           c.     The Forest Service will maintain the existing “More Difficult” rating for the Mad  
2                 River Trail. *See* Forest Service Handbook 2309.18, Chap 2.3a, Exhibit 01,  
3                 Motorized Bike Guide.
- 4           d.     The Forest Service may eliminate overhead hazards in the lower Mad River Trail  
5                 in accordance with its ordinary and regular protocol.
- 6           e.     The Forest Service may undertake routine trail maintenance on the Mad River  
7                 Trail for drainage and tread improvements, including but not limited to brushing,  
8                 log-out, drainage structure repair, tread lift, puncheon construction and spot  
9                 surface stabilization to accommodate all trail users. This work may be done by  
10                hand or by using a trail machine no wider than 30 inches, with the following  
11                conditions:
- 12                (1)     All trail maintenance taken pursuant to subparagraph (e), including but not  
13                        limited to repairing slumps, clearing brush, and removing fallen logs from  
14                        the trail, or eliminating overhead hazards, between Pine Flats and the  
15                        switchbacks and between the Billy Creek Trail #1416 intersection with  
16                        Mad River Trail and Maverick Saddle, will be done by hand.
- 17                (2)     No grid blocks or other artificial tread materials will be used; natural rock  
18                        and timber may be used to construct crib walls, puncheons, switchbacks  
19                        and other structures.
- 20                (3)     Only routine trail maintenance will be performed on the 1.2 miles of the  
21                        Alma Creek segment pending completion of the relocation pursuant to  
22                        paragraph I.
- 23                (4)     The Forest Service will post signs along the 1.2 mile Alma Creek segment  
24                        reflecting impassability to motorized traffic due to trail conditions where  
25                        appropriate.
- 26           f.     The Forest Service may implement appropriate invasive weed control on the Mad  
27                 River Trail pursuant to the Forest weed control program.
- 28

g. The Forest Service may redesign or reconstruct the Pine Flats campground and trailhead to separate trailhead use from campground use and/or to protect the riparian area.

It is hereby further ordered that the Court retains jurisdiction to enforce its injunction as modified.

**SO STIPULATED:**

DATED this 16th day of May, 2007.

SALTER JOYCE ZIKER

s/ Andrew H. Salter

Andrew H. Salter  
WSB No. 11954

KARL F. FORSGAARD

s/ Karl F. Forsgaard

Karl F. Forsgaard  
WSB No. 12639  
Attorneys for Plaintiffs

**SO STIPULATED:**

DATED this 16th day of May, 2007.

JEFFREY C. SULLIVAN

United States Attorney

s/ Brian C. Kipnis

BRIAN C. KIPNIS  
Assistant United States Attorney  
Attorneys for Defendants

**ORDER**

IT IS SO ORDERED.

DATED this 22 day of May, 2007.



RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE